

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 08-067
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3 State of New Hampshire Banking) Order to Show Cause
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4 Department,)
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5 Petitioner,)
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6 and)
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7 Option One Mortgage Corporation,)
))
8 Respondent)
))

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10 NOTICE OF ORDER

11 This Order commences an adjudicative proceeding under the provisions of
12 RSA 397-A:17, RSA 541-A, BAN 200 and JUS 800 as applicable.

13 LEGAL AUTHORITY AND JURISDICTION

14 Pursuant to RSA 397-A:17, the Banking Department of the State of New
15 Hampshire (hereinafter the "Department") has the authority to issue an order
16 to show cause why license revocation penalties for violations of New
17 Hampshire Banking laws should not be imposed.

18 Pursuant to RSA 397-A:21, the Commissioner has the authority to
19 suspend, revoke or deny any license and to impose administrative penalties of
20 up to \$2,500.00 for each violation of New Hampshire banking law and rules.

21 NOTICE OF RIGHT TO REQUEST A HEARING

22 The above named respondent has the right to request a hearing on this
23 Order to Show Cause, as well as the right to be represented by counsel at
24 each Respondent's own expense. All hearings shall comply with RSA 541-A. Any
25 such request for a hearing shall be in writing, and signed by the respondent
or the duly authorized agent of the above named respondent, and shall be
delivered either by hand or certified mail, return receipt requested, to the

1 Banking Department, State of New Hampshire, 64B Old Suncook Road, Concord, NH
2 03301. Such hearings will be scheduled within 10 days of the request. If the
3 Respondent fails to appear at the hearing after being duly notified, such
4 person shall be deemed in default, and the proceeding may be determined against
5 the Respondents upon consideration of the Order to Show Cause, the allegations
6 of which may be deemed to be true.

7 If the Respondent fails to request a hearing within 30 calendar days of
8 receipt of such order or reach formal settlement with the Department within
9 that time frame, then such person shall likewise be deemed in default, and the
10 orders shall, on the thirty-first day, become permanent, and shall remain in
11 full force and effect until and unless later modified or vacated by the
12 commissioner, for good cause shown.

13 **STATEMENT OF ALLEGATIONS, APPLICABLE LAWS AND REQUEST FOR RELIEF**

14 The Staff Petition dated April 1, 2008 (a copy of which is attached
15 hereto) is incorporated by reference hereto.

16 **ORDER**

17 WHEREAS, finding it necessary and appropriate and in the public
18 interest, and consistent with the intent and purposes of the New Hampshire
19 banking laws, and

20 WHEREAS, finding that the allegations contained in the Staff Petition,
21 if proved true and correct, form the legal basis of the relief requested,

22 It is hereby ORDERED, that the Respondent shall show cause why:

- 23 1. Administrative penalties of \$2,500.00 should not be imposed
24 against the Respondent; and
- 25 2. Statutory penalties of \$3,350.00 should not be imposed against
the Respondent; and
3. Respondent Option's license should not be revoked; and

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 08-067
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3 State of New Hampshire Banking) Staff Petition
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4 Department,))
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5 Petitioner,) April 1, 2008
))
6 and))
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7 Option One Mortgage Corporation,))
))
8 Respondent))
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10 STATEMENT OF ALLEGATIONS

11 The Staff of the Banking Department, State of New Hampshire (hereinafter
12 referred to as the "Department) alleges the following facts:

- 13 1. On or about November 14, 2007 the Department received a consumer
14 complaint from Consumer A against Option One Mortgage Corporation
15 (hereinafter "Respondent Option").
- 16 2. Respondent is licensed as a Mortgage Banker and at all times
17 relevant to this action has held a Department license since at
18 least 1997.
- 19 3. The Department sent the consumer complaint to Respondent Option
20 via US Certified Mail on November 19, 2007 (mail piece number
21 7007 1490 0000 0422 4752). Respondent Option received and signed
22 for the notice on or about November 26, 2007.
- 23 4. On December 10, 2007 the Department received an acknowledgement
24 of the consumer complaint from Respondent Option.
- 25 5. To date the Respondents have not provided a response to the
consumer complaint filed by Consumer A.

1 evidence thereof.

2 The Respondent violated this provision by failing to submit a
3 response to the consumer complaint.

4 4. RSA 397-A:15-a II provides that a licensee who fails to respond
5 to consumer complaints within the time prescribed shall pay to
6 the commissioner the sum of \$50.00 per day that such response is
7 overdue.

8 5. RSA 397-A:21 IV provides that any person who, either knowingly
9 or negligently, violates any provision of Chapter 397-A, may
10 upon hearing, and in addition to any other penalty provided for
11 by law, be subject to suspension or revocation of any
12 registration or license, or imposition of an administrative fine
13 not to exceed \$2,500, or both. Each of the acts specified shall
14 constitute a separate violation, and such administrative action
15 or fine may be imposed in addition to any criminal penalties or
16 civil liabilities imposed by New Hampshire Banking laws.

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18 **RELIEF REQUESTED**

19 The staff of the Department requests the Commissioner take the following
20 Action:

- 21 1. Find as fact the allegations contained in section I of this petition;
22 2. Make conclusions of law relative to the allegations contained in
23 section II of the this petition;
24 3. Order the Respondents to Show Cause why its license should not be
25 revoked;
4. Assess fines and administrative penalties in accordance with RSA 397-

